

SENATE BILL NO. 335

BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 37:2703(3), (6), (10), (11), (12), (17), and (18), 2704(A)(2) and (4) and (B), 2705(C)(2) and (3), (D) and (G), 2706(A)(1) and (2), the introductory paragraph of 2707(A)(1) and (2) and (B), 2708(A)(1), and (2), 2709, 2710, 2711(B), 2712, 2713, 2714, 2715(B) through (E), 2716(A)(1), (2)(a), (c), (d) and (C), the introductory paragraph of 2717(A) and (3), (B)(1), (6), (7), (8), and (C) and (D), 2719, 2720(A)(1), (2) and (3), 2722(A)(1), (2) and (3) and to enact R.S. 37:2703(19), 2716(D) and 2724 and to repeal R.S. 37:2703(13), 2706 (C) and (D), 2707(C), (D) and (E), and 2708(C), relative to the social workers practice act; to provide relative to definitions; to provide relative to membership powers, duties and licencing of the social work examiner's board; to provide relative to licensed master's social worker; to provide relative to certified social workers; to provide relative to licensed clinical social workers; to provide relative to provisional certificates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2703(3), (6), (10), (11), (12), (17), and (18), 2704(A)(2) and (4) and (B), 2705(C)(2) and (3), (D) and (G), 2706(A)(1) and (2), the introductory paragraph of 2707(A) (1), and (2), and (B), 2708(A)(1), and (2), 2709, 2710, 2711(B), 2712, 2713, 2714, 2715(B) through (E), 2716(A)(1), (2)(a), (c), (d) and (C), the introductory paragraph of 2717(A) and (3), (B)(1), (6), (7), (8) and (C) and (D), 2719, 2720(A)(1), (2) and (3), 2722(A)(1), (2) and (3)are hereby amended and reenacted and R.S. 37:2703(19), 2716(D) and 2724 are hereby enacted to read as follows:

1 §2703. Definitions

2 As used in this Chapter, unless the context clearly requires otherwise, and
3 except as otherwise expressly provided:

4 * * *

5 (3) "Board-approved clinical supervisor (**BACS**)" means a licensed clinical
6 social worker (LCSW) who has met the qualifications established by the board.

7 * * *

8 (6) "Clinical supervision" means an interactional professional relationship
9 between a licensed clinical social worker and a ~~graduate~~**licensed master's** social
10 worker that provides evaluation and direction over the supervisee's practice of
11 clinical social work and promotes continued development of the ~~graduate~~**licensed**
12 **master's** social worker's knowledge, skills, and abilities to engage in the practice of
13 clinical social work in an ethical and competent manner. ~~Clinical Supervision for~~
14 meeting the requirements of licensure, **as a licensed clinical social worker**
15 **(LCSW)**, must be provided by a licensed clinical social worker who is also a
16 board-approved clinical supervisor (BACS).

17 * * *

18 (10) "Graduate school of social work" means a program within an institution
19 of higher education which offers a full-time course of study in social work, granting
20 a master's degree in social work or social welfare, and accredited **or under**
21 **candidacy** by the Council on Social Work Education or its predecessor or successor
22 organization.

23 ~~(11) "Graduate social worker (GSW)" means a person duly certified to~~
24 ~~practice graduate social work under this Chapter.~~

25 ~~(12)~~**(11)** "Licensed clinical social worker (LCSW)" means a person duly
26 licensed to **independently** practice clinical social work under the provisions of this
27 Chapter. ~~Notwithstanding any other laws to the contrary, the term "licensed social~~
28 ~~worker" shall be synonymous with the term "licensed clinical social worker".~~ **A**
29 **licensed clinical social worker may work as an employee in a practice setting or**
30 **independently in private practice.**

(13)(12) ~~"Provisional" means a temporary certification which entitles the MSW graduate to perform the duties and responsibilities within the scope of practice of the graduate social worker for up to three years from the date of issuance of the original certificate.~~ **"Licensed master's social worker (LMSW)" means a person duly registered to practice master's social work under this Chapter.**

* * *

(17) "Supervision" means the professional relationship between a supervisor and an applicant **a supervisee** for social work licensure that provides guidance and evaluation of the services provided by the applicant **supervisee**.

* * *

(18) "Undergraduate social work program" means a program within an institution of higher education which offers a full-time course of study in social work, granting a bachelor's degree in social work or social welfare, and accredited **or under candidacy** by the Council on Social Work Education or its predecessor or successor.

(19) "Certified Social Worker (CSW)" means a temporary certification which entitles the master of social work graduate to perform the duties and responsibilities within the scope of practice of the licensed master social worker for up to three years, while pursuing licensure.

§2704. Board of Social Work Examiners

A. There is hereby created a Louisiana State Board of Social Work Examiners within the Department of Health and Hospitals. The board shall be subject to the provisions of R.S. 36:803. It shall consist of seven members who are citizens of the United States and residents of the state of Louisiana. The members shall be appointed by the governor, subject to Senate confirmation. All appointees shall be selected from one list compiled by all statewide social work membership organizations that have written bylaws and meet all state and federal laws, and the Louisiana Chapter of the National Association of Social Workers shall be responsible for the coordination of this process. All appointees shall serve no more than two consecutive full terms. The completion of an unexpired portion of a full

term shall not constitute a full term for purposes of this Section. The board shall consist of the following members:

* * *

(2) One ~~certified graduate~~ **licensed master's** social worker with at least five years of social work experience.

* * *

(4) One member who is either a registered social worker, a ~~certified graduate~~ **licensed master's** social worker, or a licensed clinical social worker.

* * *

B. Each board member, with the exception of the public member, shall be a person who holds a current, valid license, ~~certification~~, or registration issued pursuant to this Chapter. At all times the board shall consist of at least three members who are engaged primarily in rendering direct services in social work and at least one member who is engaged primarily in social work education or a practice specialty other than clinical.

* * *

§2705. Board; meetings; powers

* * *

C.(1)

* * *

(2) The board is empowered to examine for, deny, approve, revoke, suspend, and renew the license of licensed clinical social workers and shall review applications at least once a year. **The board is further empowered to examine for, deny, approve, revoke, suspend, and renew the license of licensed master's social workers and shall review applications at least once a year.** The board is further empowered to examine for, deny, approve, revoke, suspend, and renew the certificate ~~or provisional certificate of graduate~~ **of certified** social workers **or the license of licensed master's social workers** and shall review applications at least once a year. The board is further empowered to deny, approve, revoke, suspend, and renew the registration of registered social workers and shall review applications once a year.

(3) The board shall have the power to conduct hearings on charges calling for

1 revocation or suspension of a **registration, certificate, or** license. ~~The board shall~~
2 ~~have the power to conduct hearings on charges calling for revocation or suspension~~
3 ~~of a certificate or provisional certificate, as well as revocation or suspension of a~~
4 ~~registration.~~ The board may institute disciplinary proceedings as authorized in this
5 Chapter.

6 * * *

7 D. The board shall keep a listing of social workers licensed, certified,
8 ~~provisionally certified~~, or registered under this Chapter. At each meeting of the
9 board the listing shall be updated and made available to the general public.

10 * * *

11 G. The board shall establish requirements to assure continuing education for
12 individuals licensed, certified, ~~provisionally certified~~, or registered under this
13 Chapter as a condition of licensure, certification, ~~provisional certification~~, or
14 registration renewal. Such requirements may include but are not limited to
15 continuing education which shall be through programs either provided by or
16 approved by the board.

17 §2706. Qualifications; registered social worker

18 A. No individual shall be eligible for registration by the board as a registered
19 social worker unless the individual:

20 (1) Is of good moral character **and whose screening for criminal history**
21 **pursuant to R.S. 37:2710 contains no disqualifying information.**

22 (2) Holds either a ~~bachelor of social work, bachelor of arts, or bachelor of~~
23 ~~science degree from an undergraduate~~ **bachelor's degree or master's degree from**
24 **an accredited** social work program. ~~This requirement is satisfied if the applicant has~~
25 ~~graduated from a nonaccredited school and has at least five years of work experience~~
26 ~~as a practicing social worker within the last nine years prior to January 1, 2001.~~

27 * * *

28 C. ~~An individual practicing bachelor-level social work in Louisiana and who~~
29 ~~meets the qualifications set forth in Subsection A of this Section who wishes to~~
30 ~~continue the practice shall apply for registration under the provisions of this Chapter~~

1 ~~within one year subsequent to January 1, 2000.~~

2 ~~D. At any time within one year of January 1, 2000, the board shall register~~
3 ~~as a registered social worker any individual who files a verified application therefor,~~
4 ~~accompanied by such fees as is required in R.S. 37:2716 and who submits evidence~~
5 ~~verified by oath and satisfactory to the board that he complies with the requirements~~
6 ~~of Subsection A of this Section.~~

7 §2707. Qualifications; **graduate licensed master's** social worker

8 A. No individual shall be eligible for ~~certification~~ **licensure** by the board as
9 a **graduate licensed master's** social worker unless the individual:

10 (1) Is of good moral character **and whose screening for criminal history**
11 **pursuant to R.S. 37:2710 contains no disqualifying information.**

12 (2) Holds a master's degree from a **an accredited** graduate school of social
13 work. ~~This requirement is satisfied if the applicant has graduated from a~~
14 ~~nonaccredited school and has at least five years of work experience as a practicing~~
15 ~~social worker within the last nine years prior to January 1, 2001.~~

16 * * *

17 B. ~~The board may issue a provisional graduate social worker certificate to an~~
18 ~~individual who, except for passing the examination, has completed all requirements~~
19 ~~for certification as a graduate social worker. The individual may hold the provisional~~
20 ~~certificate for no more than three years from the issuance of the original certificate~~
21 ~~and the individual shall take an examination approved by the board at least once a~~
22 ~~year.~~

23 ~~EB.~~ An individual ~~certified~~ **licensed** as a **graduate licensed master's** social
24 worker ~~or as a provisional graduate social worker~~ may engage in advanced social
25 work practice based on the application of social work theory, knowledge, ethics, and
26 methods to restore or enhance social, psychosocial, or biopsychosocial functioning
27 of individuals, couples, families, groups, organizations, and communities. The
28 **graduate licensed master's** social worker's ~~or provisional graduate social worker's~~
29 practice requires the application of specialized knowledge and advanced practice
30 skills which include prevention or intervention, or both, service or treatment

1 planning and evaluation, case management, information and referral, counseling,
2 employee assistance services, addiction services, advocacy, teaching, research,
3 supervision, consultation, community organization, and the development,
4 implementation, and administration of policies, programs, and activities. A social
5 worker ~~certified~~ **licensed** ~~or provisionally certified~~ at the ~~graduate~~ **licensed master's**
6 social worker level may practice clinical social work **and psychotherapy** within an
7 agency under the supervision of a licensed clinical social worker. A ~~graduate~~
8 **licensed master's** social worker may ~~only work as an employee~~ **work as an**
9 **employee only** in an agency setting. Notwithstanding the definition of "agency" as
10 defined in R.S. 37:2703(1) or the requirement for employment in an agency setting
11 provided in this Subsection, a ~~graduate~~ **licensed master's** social worker shall be
12 permitted to provide social work services on behalf of a federal, state, or local
13 governmental agency on a contractual basis.

14 ~~D. An individual practicing graduate level social work in Louisiana and who~~
15 ~~meets the qualifications set forth in Subsection A of this Section who wishes to~~
16 ~~continue the practice shall apply for certification under the provisions of this Chapter~~
17 ~~within one year subsequent to January 1, 2000.~~

18 ~~E. At any time within one year from January 1, 2000, the board shall waive~~
19 ~~the examination requirement and shall issue a certificate as a graduate social worker~~
20 ~~to any individual who files a verified application therefor, accompanied by such fee~~
21 ~~as is required in R.S. 37:2716, and who submits evidence verified by oath and~~
22 ~~satisfactory to the board that he complies with the requirements of Subsection A of~~
23 ~~this Section.~~

24 §2708. Qualification; licensed clinical social worker

25 A. No individual shall be eligible for licensure by the board as a licensed
26 clinical social worker unless the individual:

27 (1) Is of good moral character **and whose screening for criminal history**
28 **pursuant to R.S. 37:2710 contains no disqualifying information.**

29 (2) Holds a master's degree from a **an accredited** graduate school of social
30 work. ~~This requirement is satisfied if the applicant has graduated from a~~

~~nonaccredited school and has at least five years of work experience as a practicing social worker within the last nine years prior to January 1, 2001.~~

* * *

~~C. An individual licensed as a board-certified social worker in the state of Louisiana on January 1, 2000, and who wishes to secure the licensed clinical social worker license, shall submit to the board within one year subsequent to January 1, 2000, an affidavit stating his desire to secure the licensed clinical social worker license.~~

§2709. License, certification, or registration required

No individual shall practice social work in the state unless the individual holds a current, valid license, certificate, ~~provisional certificate~~, or registration issued by the board in accordance with this Chapter. This license, certificate, ~~provisional certificate~~, or registration shall be kept conspicuously posted in the office or place of business at all times.

§2710. Application and authorization to obtain criminal history record information

A. As used in this Section, the following terms shall have the following meanings:

(1) "Board" means the Louisiana State Board of Social Work Examiners.

(2) "Licensure" means any license, certification, or registration which the board is authorized to issue.

(3) "Applicant" means an individual who has made application to the board for the issuance, renewal, or reinstatement of any form of licensure which the board is authorized by law to issue.

(4) "Criminal history record information" means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision and release, but does not include intelligence for investigatory purposes, nor does it include

1 any identification information which does not indicate involvement of the
2 individual in the criminal justice system.

3 (5) "Bureau" means the Louisiana Bureau of Criminal Identification and
4 Information of the office of state police within the Department of Public Safety
5 and Corrections.

6 (6) "FBI" means the Federal Bureau of Investigation of the United States
7 Department of Justice.

8 B. In addition to any other requirements established by board rules, the
9 board shall require an applicant, as a condition for eligibility for licensure:

10 (1) To submit a full set of fingerprints, in a form and manner prescribed
11 by the board.

12 (2) To permit the board to request and obtain state and national criminal
13 history record information on the applicant.

14 (3) To pay, in addition to all other applicable fees and costs, such amount
15 as may be incurred by the board in requesting and obtaining state and national
16 criminal history record information on the applicant.

17 C. In accordance with the provisions and procedure prescribed by this
18 Section, the board shall request and obtain state and national criminal history
19 record information from the Louisiana Bureau of Criminal Identification and
20 Information of the office of state police within the Department of Public Safety
21 and Corrections and the Federal Bureau of Investigation of the United States
22 Department of Justice relative to any applicant for licensure whose fingerprints
23 the board has obtained pursuant to this Section for the purpose of determining
24 the applicant's suitability and eligibility for licensure.

25 D. Upon request by the board and upon the board's submission of an
26 applicant's fingerprints, and such other identifying information as may be
27 required, the bureau shall conduct a search of its criminal history record
28 information relative to the applicant and report the results of its search to the
29 board within sixty days from receipt of any such request. The bureau may
30 charge the board a reasonable processing fee for conducting and reporting on

any such search.

E. If the criminal history record information reported by the bureau to the board does not provide grounds for disqualification of the applicant for licensure under the applicable law administered by the board, the board shall have the authority to forward the applicant's fingerprints and such other identifying information as may be required to the FBI with a request for a search of national criminal history record information relative to the applicant.

F. Any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

G. Upon investigation of the application and other evidence submitted, the board shall notify each applicant that the application and evidence submitted for consideration is satisfactory and accepted, or unsatisfactory and rejected. If an application is rejected, said notice shall state the reasons for such rejection and the applicant's right to a compliance hearing in accordance with the rules and regulations promulgated by the board.

§2711. Examination

* * *

B. Applicants for licensure as a licensed clinical social worker and applicants for ~~certification~~ **licensure** as a ~~graduate~~ **licensed master's** social worker shall pass an examination approved by the board. The board shall assign the passing grade point to any examination administered after having promulgated rules and regulations. To insure impartiality, written examinations shall be by numbers, and no paper examination shall bear the name of the applicant.

* * *

§2712. Licensure, certification, or registration by reciprocity or endorsement of
credentials

The board may issue licenses, certificates, ~~provisional certificates~~, or
registrations under the following special conditions:

(1) The board may issue a license as a licensed clinical social worker or issue
a ~~certificate~~ **license** as a ~~graduate~~ **licensed master's** social worker without
examination, on payment of the prescribed fee, to an applicant for licensure ~~or~~
~~certification~~ who is the equivalent of a licensed clinical social worker or a ~~graduate~~
licensed master's social worker, respectively, licensed ~~or certified~~ under another
state, territory, commonwealth, or District of Columbia when:

(a) The requirements for licensure ~~or certification~~ are at the date of licensure
~~or certification~~ substantially equal to the requirements then or subsequently in force
in this state.

(b) The state, territory, commonwealth, or District of Columbia from which
the applicant for a license ~~or certificate~~ comes, accords similar privilege or licensure
~~or certification~~ without examination to holders of licenses ~~or certificates~~ under this
Chapter.

(c) The state, territory, commonwealth, or District of Columbia from which
the applicant for a license ~~or certificate~~ comes, requires successful completion of an
examination as a condition of such licensure ~~or certification~~.

(2) The board may ~~provisionally~~ certify or register as a ~~provisional graduate~~
certified social worker or a registered social worker, respectively, an applicant for
~~provisional~~ certification or for registration who is the equivalent of a ~~provisional~~
~~graduate~~ **certified** social worker or a registered social worker, respectively,
~~provisionally~~ certified or registered under another state, territory, commonwealth,
or District of Columbia when the requirements for ~~provisional certificate~~
certification or registration are at the date of ~~provisional certificate~~ **certification** or
registration substantially equal to the requirements then or subsequently in force in
this state and when the state, territory, commonwealth, or District of Columbia from
which the applicant for ~~provisional~~ certification or registration comes, accords

1 similar privilege or ~~provisional~~ certification or registration to holders of ~~provisional~~
2 ~~certification~~ **certificates** or registration under this Chapter.

3 §2713. License, certificate, ~~provisional certificate~~, registration

4 The board shall issue a license, certificate, ~~provisional certificate~~, or
5 registration signed by the chairman and vice chairman of the board whenever an
6 applicant for certification, **licensure, or registration** successfully qualifies therefor
7 as provided in this Chapter.

8 §2714. Continuing education and license, certificate, ~~provisional certificate~~, and
9 registration renewal

10 A.(1) The board shall have authority to establish and promulgate continuing
11 education requirements which are to be fulfilled prior to the renewal of any license,
12 certificate, ~~provisional certificate~~, or registration issued under this Chapter.

13 (2) Twenty clock hours of continuing education in programs approved by the
14 board shall be obtained prior to each renewal date, including three hours of ethics
15 every two years. In addition, for renewal of a licensed clinical social work license,
16 no less than ten clock hours of the continuing education requirement shall be clinical
17 content including diagnosis and treatment of mental disorders. Failure to fulfill these
18 requirements shall cause the license, certificate, ~~provisional certificate~~, or
19 registration to lapse, and any application for renewal will be declined until the
20 continuing education requirements have been met.

21 (3) Documentation in a form acceptable to the board, demonstrating
22 compliance with the continuing education requirements, shall accompany the
23 application for the renewal of the license, certificate, ~~provisional certificate~~, or
24 registration.

25 B. In addition to the continuing education requirements set out in Subsection
26 A of this Section, each license, certificate, provisional certificate, or registration
27 issued under the provisions of this Chapter shall be renewed annually except as
28 otherwise provided. On or before July first of each year, the board shall mail an
29 application for renewal of a license, certificate, ~~provisional certificate~~, or registration
30 to each person to whom a license, certificate, ~~provisional certificate~~, or registration

1 was issued or renewed during the current year, which application shall be mailed to
2 the most recent address of said person as it appears on the records of the board. Such
3 person shall complete the renewal application and return it to the board accompanied
4 by such renewal fee as is required by the board before August thirty-first of the year
5 in which said application was received. Upon receipt of any application and fee, the
6 board shall verify the accuracy of such application and issue to the applicant a notice
7 of renewal of the license, certificate, ~~provisional certificate~~, or registration for the
8 current year, beginning September first and expiring August thirty-first.

9 C. If any person fails to renew his or her license, certificate, ~~provisional~~
10 ~~certificate~~, or registration by August thirty-first, such license, certificate, ~~provisional~~
11 ~~certificate~~, or registration shall lapse. **Failure to fulfill these requirements shall**
12 **cause the license, certificate, or registration to lapse, and any application for**
13 **renewal will be declined until the continuing education requirements have been**
14 **met. If a social worker fails to complete the continuing education requirements**
15 **by June thirtieth of each year, at the licensed, certified registered level, he may**
16 **not practice social work.** Renewal of a license, certificate, ~~provisional certificate~~,
17 or registration which has lapsed for three months or less may be effected upon
18 submission to the board of a renewal application accompanied by such renewal fee
19 as is required by the board. Renewal of a license, **certificate, or registration** which
20 has lapsed for a period in excess of three months but less than six months may be
21 effected upon submission to the board of a renewal application accompanied by a fee
22 which shall be twice the amount of the normal renewal fee specified by the board.
23 If a license, certificate, ~~provisional certificate~~, or registration is allowed to lapse for
24 six months or longer, the applicant for the license, certificate, ~~provisional certificate~~,
25 or registration shall be considered a new applicant subject to appropriate provisions
26 of this Chapter.

27 **D. The board shall have the authority to grant continuing education**
28 **waivers for declared emergencies. In response to a disaster or emergency**
29 **declared by the governor of the state of Louisiana, continuing education units**
30 **required for renewal of a license may be waived by the board.**

1 **E. The board shall have the authority to grant continuing education**
2 **extensions for extenuating circumstances. In response to an extenuating**
3 **circumstance, the time frame mandated to complete continuing education units**
4 **required for renewal of a license may be extended by the board.**

5 §2715. Rights and privileges

6 * * *

7 B. An individual who possesses a current, valid ~~certificate~~ **license** issued by
8 the board pursuant to this Chapter shall have the right to practice and use the title
9 ~~graduate~~ **licensed master's** social worker and ~~the~~ abbreviation ~~GSW~~ **LMSW**.

10 C. An individual who possesses a current, valid ~~provisional~~ certificate issued
11 by the board pursuant to this Chapter shall have the right to practice and use the title
12 ~~graduate~~ **certified** social worker-~~provisional~~ and ~~the~~ abbreviation ~~GSW-provisional~~
13 **CSW**.

14 D. An individual who possesses a current, valid registration issued by the
15 board pursuant to this Chapter shall have the right to practice and use the title
16 registered social worker and ~~the~~ abbreviation RSW.

17 E. No other individual shall assume such title, use such abbreviation or use
18 any word, letter, sign, figure, or device to indicate that he is a licensed clinical social
19 worker, a ~~graduate~~ **licensed master's** social worker, a ~~graduate~~ **certified** social
20 worker-~~provisional~~, or a registered social worker.

21 §2716. Fees

22 A.(1) The board shall establish a reasonable fee schedule for examinations,
23 applications, reexaminations, renewal, or reissuance of any license, certificate,
24 ~~provisional certificate~~, or registration, or for any other administrative function
25 provided for in this Chapter; and the receipts from the payment of such fees shall be
26 used to carry out the purposes of this Chapter. Such fee schedule may be modified
27 from time to time as deemed necessary by the board. The fees shall be established
28 and payable by rule adopted in accordance with the Administrative Procedure Act.

29 (2) The board is authorized to increase the fees in the fee schedule to not
30 more than the following amounts:

(a) One hundred dollars per application for licensure as a licensed clinical social worker; seventy-five dollars per application for ~~certification~~ **licensure** as a ~~graduate~~ **licensed master's** social worker; seventy-five dollars per application for ~~provisional~~ certification as a ~~graduate~~ **certified** social worker; and fifty dollars per application for registration as a registered social worker.

* * *

(c) One hundred dollars per renewal of any license, certificate, ~~provisional~~ ~~certificate~~, or registration.

(d) Fifty dollars per reissuance of any license, certificate, ~~provisional~~ ~~certificate~~, or registration.

* * *

C. ~~No fee shall be refunded.~~ **Criminal record checks are required prior to issuance of license, certificate, or registration. Costs associated with criminal record checks are the responsibility of the applicant. The results of the criminal history record information search must be obtained, reviewed, and considered acceptable by the board prior to issuance of license, certificate, or registration.**

D. No fee shall be refunded.

§2717. Disciplinary action; hearing; procedures; appeal

A. The board shall have the power to deny, revoke, or suspend any license, certificate, ~~provisional certificate~~, or registration issued by the board or applied for in accordance with this Chapter, or otherwise discipline a social worker for any of the following causes:

* * *

(3) Obtaining or attempting to obtain a license, certificate, ~~provisional~~ ~~certificate~~, or registration by fraud or deception.

* * *

B. When the board decides to discipline an individual the board may:

(1) Refuse to issue or renew a license, ~~certificate~~, or registration.

* * *

(6) Suspend or revoke a license; certificate, ~~provisional certificate~~, or

1 registration including the summary suspension of said license, certificate, ~~provisional~~
2 ~~certificate~~, or registration when the board determines that public health, safety, or
3 welfare imperatively requires emergency action.

4 (7) Restrict a license, certificate, ~~provisional certificate~~, or registration by
5 limiting or reducing the scope of practice.

6 (8) Otherwise discipline the holder of a license, certificate, ~~provisional~~
7 ~~certificate~~, or registration upon proof of violation of any provisions of this Chapter,
8 or the rules and regulations promulgated by the board, or both.

9 C. Proceedings for disciplinary action or for the denial or withholding of a
10 license under the authority of this Section shall be conducted in compliance with the
11 board's rules, regulations, and procedures and in compliance with the Administrative
12 Procedure Act. The board may require an individual against whom disciplinary
13 action has been taken by the board to pay the reasonable costs incurred by the board
14 for the hearing or proceedings, including its legal fees, stenographer, investigator,
15 or witness fees, and any such costs and fees incurred by the board on any judicial
16 review or appeal. These costs and fees shall be paid no later than thirty days after
17 the decision of the board becomes final. No license, certificate, ~~provisional~~
18 ~~certificate~~, or registration shall be issued, reinstated, or renewed until such costs have
19 been paid.

20 D. No license, certificate, ~~provisional certificate~~, or registration shall be
21 suspended or revoked until a hearing is held before the board, after notice of at least
22 thirty days to the social worker. The notice shall be served by registered mail, return
23 receipt requested, shall state the date, time, and place of the hearing, and shall set
24 forth the ground or grounds of the charges against the social worker. The social
25 worker has a right to present his own defense either in proper person or by counsel,
26 to produce testimony and to testify in his own behalf. A record of the hearing shall
27 be taken and preserved. The record shall contain the notice, documents, and data
28 filed in the proceedings; all statements of the board pertinent thereto; the testimony,
29 exhibits, and the written findings of fact and orders of the board. The state of
30 Louisiana shall be a party to the prosecution of all such actions and hearings before

1 the board pertaining to the suspension or revocation of a license, certificate,
2 ~~provisional certificate~~, or registration; and the attorney general shall appear in behalf
3 of the state. The hearing may be adjourned from time to time. If the social worker
4 pleads guilty, or if upon hearing the charges the majority of the board finds them
5 true, the board may enter an order suspending or revoking the license, certificate,
6 ~~provisional certificate~~, or registration or imposing probationary conditions.

7 * * *

8 §2719. Discrimination

9 No license, certificate, ~~provisional certificate~~, or registration shall be denied
10 any applicant based upon the applicant's race, religion, creed, national origin, sex,
11 or physical impairment so long as the physical impairment does not interfere with
12 the performance of professional duties.

13 §2720. Violations; penalties

14 A. It shall be a misdemeanor for any individual or person:

15 (1) To engage in the practice of social work without being duly licensed,
16 certified, ~~provisionally certified~~, or registered under the provisions of this Chapter.

17 (2) To imply or state that he is a licensed clinical social worker, ~~graduate~~
18 **certified** social worker, ~~graduate~~ **licensed master's** social worker ~~provisional~~, or
19 registered social worker, unless he is duly and respectively licensed, certified,
20 ~~provisionally certified~~, or registered under the provisions of this Chapter.

21 (3) To use in connection with his name any designation tending to imply that
22 he is licensed, certified, ~~provisionally certified~~, or registered under the provisions of
23 this Chapter during the time his license, certificate, ~~provisional certificate~~, or
24 registration shall be suspended, revoked, or shall have lapsed.

25 * * *

26 §2722. Exclusions

27 A. No provision of this Chapter shall be construed to prohibit:

28 (1) The activities and services of a student pursuing a course of study in a
29 social work educational program accredited by the Council on Social Work
30 Education if these activities and services constitute a part of ~~his~~ **the** supervised

1 course of study.

2 (2) Subsidiary workers in the agencies and offices of individuals licensed,
3 certified, ~~provisionally certified~~, or registered to practice social work in this state
4 from assisting in the rendering of services to clients under the personal and
5 responsible supervision and direction of such persons.

6 (3) Qualified members of other professional groups from doing work of a
7 psychosocial nature within their legal scope of practice consistent with the standards
8 and ethics of their respective professions, provided that they shall not hold
9 themselves out to the public by any title or description of services incorporating the
10 term social worker, or that they shall not state or imply that they are licensed,
11 certified, ~~provisionally certified~~, or registered to practice social work.

12 * * *

13 **§2724. Qualification; certified social worker**

14 **A. No individual shall be eligible for certification by the board as a**
15 **certified social worker unless the individual:**

16 **(1) Is of good moral character and whose screening for criminal history**
17 **pursuant to R.S. 37:2710 contains no disqualifying information.**

18 **(2) Holds a master's degree from an accredited graduate school of social**
19 **work.**

20 **B. The board may issue a social worker certificate to an individual who**
21 **has completed all requirements for certification as a certified social worker.**
22 **The individual may hold the certificate for no more than three years from the**
23 **issuance of the original certificate, and the individual shall take an examination**
24 **approved by the board within the first six months after certification and**
25 **annually for the next two and a half years or until they have achieved a passing**
26 **score.**

27 **C. An individual certified as a certified social worker may engage in**
28 **advanced social work practice based on the application of social work theory,**
29 **knowledge, ethics, and methods to restore or enhance social, psychosocial, or**
30 **biopsychosocial functioning of individuals, couples, families, groups,**

1 organizations, and communities. The certified social worker practice requires
 2 the application of specialized knowledge and advanced practice skills which
 3 include prevention or intervention, or both, service or treatment planning and
 4 evaluation, case management, information and referral, counseling, employee
 5 assistance services, addiction services, advocacy, teaching, research,
 6 supervision, consultation, community organization, and the development,
 7 implementation, and administration of policies programs, and activities. A
 8 social worker certified at the certified social worker level may practice clinical
 9 social work and psychotherapy within an agency under the supervision of a
 10 licensed clinical social worker. A certified social worker may work as an
 11 employee only in an agency setting, notwithstanding the definition of "agency"
 12 as defined in R.S. 37:2703(1) or the requirement for employment in an agency
 13 setting provided in this Subsection.

14 Section 2. R.S. 37:2703(13), 2706 (C) and (D), 2707(C), (D) and (E) and 2708(C)
 15 are hereby repealed in their entirety.

16 Section 3. This Act shall become effective on January 1, 2011.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____